

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
AT FOLEY SQUARE

GREVY PIERRE-LOUIS,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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USDC Case No. 1:20-cv-3010

USDC Case No. 1:16-cr-541

Hon. Colleen McMahon

Chief United States District Judge

MOVANT-APPELLANT'S MOTION FOR PERMISSION TO APPEAL
IN FORMA PAUPERIS

COMES NOW GREVY PIERRE-LOUIS, Movant-Appellant *pro se* in the above styled and numbered cause and respectfully moves this Court for permission to appeal *in forma pauperis* from the April 21, 2022 Order and Final Judgment of this Court, denying and dismissing Mr. Pierre-Louis' then pending motion to vacate under 28 U.S.C. § 2255. Mr. Pierre-Louis states that because of his poverty he is unable to pay the costs of appeal or to give security therefore. The issues Mr. Pierre-Louis desires to raise on appeal, which are set forth in the accompanying affidavit, possess arguable merit.

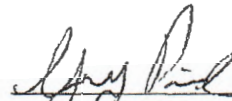
11/8/23 Strike motion as moot
Colleen McMahon

MEMO ENDORS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Application with Annexed Informal Memorandum Brief in Support of Request for Certificate of Appealability Pursuant to 28 U.S.C. §2253(c)(1)(B)(2) & (3); and Local Rule 22 has been mailed, first class postage prepaid, on this 27 day of June 2022, to: opposing counsel, Assistant United States Attorney, Jessica K. Fender, One Saint Andrew's Plaza, New York, New York 10007.

Executed under penalty of perjury pursuant to 28 U.S.C. §1746, on this 27 day of June 2022.



Grady Pierre-Louis, *Pro Se*

Register # 13828-104

USP Hazelton

P.O. Box 2000

Bruceton Mills, WV 26525

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF NEW YORK

GREVY PIERRE-LOUIS,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 1:20-cv-3010

Case No. 1:16-cr-541

**AFFIDAVIT ACCOMPANYING MOTION
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**

Affidavit in Support of Motion**Instructions**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed: *Gregy Pierre-Louis*Date: 6/27/2022

My issues on appeal are:

1. Did the District Court err or alternatively abuse its discretion by denying Mr. Pierre-Louis the evidentiary hearing to which he was statutorily entitled on his Ground Two claim that counsel was constitutionally ineffective for refusing to file a notice of appeal as Mr. Pierre-Louis requested?
2. Did the District Court err or alternatively abuse its discretion by denying Mr. Pierre-Louis the evidentiary hearing to which he was statutorily entitled on his Ground One claim that counsel was constitutionally ineffective based on the gross misadvice former counsel provided to Mr. Pierre-Louis and without which Mr. Pierre-Louis would have exercised his right to a trial by jury?

3. Did the District Court err or alternatively, abuse its discretion by denying Mr. Pierre-Louis' Ground Three claim that he was entitled to an out-of-time appeal based on the district court's misadvice at sentencing, which falsely conveyed that he had NO RIGHT to appeal?

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$	\$ N/A	\$	\$ N/A
Self-employment	\$	\$	\$	\$
Income from real property (such as rental income)	\$	\$	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
Total monthly income:	\$	\$	\$	\$

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ _____

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
		\$	\$ N/A
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	Other real estate	Motor vehicle #1
(Value) \$	(Value) \$	(Value) \$
		Make and year:
		Model:
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$	(Value) \$	(Value) \$
Make and year:		
Model:		
Registration #:		

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
	\$	\$ N/A
	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name [or, if under 18, initials only]	Relationship	Age
N/A		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly,

quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$	\$
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		N/A
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$
Transportation (not including motor vehicle payments)	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments		
Motor Vehicle:	\$	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$

Other (specify):	\$	\$ N/A
Total monthly expenses:	\$	\$ N/A

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☐ No

If yes, describe on an attached sheet.

10. Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? ☐ Yes ☒ No

If yes, how much? \$ N/A

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

12. State the city and state of your legal residence.

Your daytime phone number: (____) _____

Your age: _____ Your years of schooling: _____

Last four digits of your social-security number: _____

All Transactions



Inmate Reg #: 13828104 Current Institution: Hazelton USP
 Inmate Name: PIERRE-LOUIS, GREVY Housing Unit: HAZ-F-B
 Report Date: 06/27/2022 Living Quarters: F04-203U
 Report Time: 8:33:30 AM

Date/Time	Transaction Type	Amount	Ref#	Payment#	Balance
2/9/2022 11:26:59 AM	Sales - No FP (Non-FP Session)	(\$33.60)	181		\$262.83
2/7/2022 3:01:27 PM	Inmate Co-pay	(\$2.00)	XICP0222		\$296.43
1/18/2022 9:05:54 AM	TRUL Withdrawal	(\$5.00)	TL0118		\$298.43
1/17/2022 1:38:42 PM	TRUL Withdrawal	(\$5.00)	TL0117		\$303.43
1/16/2022 9:09:58 AM	TRUL Withdrawal	(\$10.00)	TL0116		\$308.43
1/14/2022 1:02:26 PM	TRUL Withdrawal	(\$10.00)	TL0114		\$318.43
1/13/2022 9:37:46 AM	TRUL Withdrawal	(\$10.00)	TL0113		\$328.43
1/12/2022 2:01:21 PM	TRUL Withdrawal	(\$5.00)	TL0112		\$338.43
1/11/2022 8:27:44 AM	Sales - No FP (Non-FP Session)	(\$18.35)	57		\$343.43
1/10/2022 1:48:27 PM	TRUL Withdrawal	(\$15.00)	TL0110		\$361.78
1/7/2022 8:33:38 AM	Payroll - IPP	\$0.60	XIPP1221		\$376.78
12/31/2021 2:06:51 PM	Money Gram	\$150.00	33421365		\$376.18
12/23/2021 9:07:34 AM	TRUL Withdrawal	(\$2.00)	TL1223		\$226.18
12/22/2021 1:01:31 PM	Inmate Co-pay	(\$2.00)	XICP1221		\$228.18
12/20/2021 7:07:54 PM	Western Union	\$50.00	33321354		\$230.18
12/20/2021 11:14:05 AM	TRUL Withdrawal	(\$2.00)	TL1220		\$180.18
12/11/2021 8:07:56 AM	TRUL Withdrawal	(\$2.00)	TL1211		\$182.18
12/10/2021 7:34:47 AM	Payroll - IPP	\$18.80	XIPP1121		\$184.18
12/9/2021 5:06:59 PM	Western Union	\$150.00	33321343		\$165.38
12/5/2021 6:00:29 PM	TRUL Withdrawal	(\$2.00)	TL1205		\$15.38
12/3/2021 5:11:18 PM	TRUL Withdrawal	(\$2.00)	TL1203		\$17.38
12/1/2021 5:42:04 PM	TRUL Withdrawal	(\$2.00)	TL1201		\$19.38
12/1/2021 7:43:04 AM	Sales - Fingerprint	(\$203.10)	7		\$21.38
11/28/2021 11:46:44 AM	TRUL Withdrawal	(\$5.00)	TL1128		\$224.48
11/27/2021 8:36:42 AM	TRUL Withdrawal	(\$2.00)	TL1127		\$229.48
11/20/2021 7:32:26 AM	TRUL Withdrawal	(\$5.00)	TL1120		\$231.48
11/19/2021 3:07:32 PM	Western Union	\$150.00	33321323		\$236.48
11/17/2021 9:06:45 AM	TRUL Withdrawal	(\$5.00)	TL1117		\$86.48
11/16/2021 12:11:25 PM	Sales - Fingerprint	(\$196.10)	32		\$91.48
11/16/2021 11:27:38 AM	TRUL Withdrawal	(\$5.00)	TL1116		\$287.58
11/15/2021 8:08:52 PM	Western Union	\$45.00	33321319		\$292.58
11/13/2021 2:44:20 PM	TRUL Withdrawal	(\$5.00)	TL1113		\$247.58
11/8/2021 6:39:12 PM	TRUL Withdrawal	(\$10.00)	TL1108		\$252.58
11/8/2021 4:07:58 PM	Western Union	\$50.00	33321312		\$262.58
11/8/2021 7:01:56 AM	TRUL Withdrawal	(\$2.00)	TL1108		\$212.58
11/7/2021 1:24:51 PM	TRUL Withdrawal	(\$2.00)	TL1107		\$214.58
11/5/2021 12:17:33 PM	Payroll - IPP	\$16.20	XIPP1021		\$216.58
11/5/2021 9:01:04 AM	TRUL Withdrawal	(\$2.00)	TL1105		\$200.38
11/4/2021 7:07:43 PM	Western Union	\$100.00	33321308		\$202.38
10/27/2021 5:51:18 PM	TRUL Withdrawal	(\$2.00)	TL1027		\$102.38
10/25/2021 12:10:21 PM	Sales - Fingerprint	(\$210.00)	38		\$104.38
10/21/2021 8:07:30 PM	Western Union	\$100.00	33321294		\$314.38
10/21/2021 5:50:13 PM	TRUL Withdrawal	(\$5.00)	TL1021		\$214.38
10/20/2021 9:07:39 PM	Western Union	\$100.00	33321293		\$219.38
10/20/2021 6:51:37 AM	TRUL Withdrawal	(\$5.00)	TL1020		\$119.38
10/19/2021 9:48:41 AM	TRUL Withdrawal	(\$2.00)	TL1019		\$124.38
10/15/2021 1:54:10 PM	TRUL Withdrawal	(\$2.00)	TL1015		\$126.38
10/12/2021 12:24:57 PM	Sales - Fingerprint	(\$196.50)	36		\$128.38
10/11/2021 8:08:16 PM	Western Union	\$40.00	33321284		\$324.88
10/8/2021 9:34:28 AM	Payroll - IPP	\$4.60	XIPP0921		\$284.88

All Transactions



Inmate Reg #: 13828104
 Inmate Name: PIERRE-LOUIS, GREVY
 Report Date: 06/27/2022
 Report Time: 8:33:01 AM

Current Institution: Hazelton USP
 Housing Unit: HAZ-F-B
 Living Quarters: F04-203U

Date/Time	Transaction Type	Amount	Ref#	Payment#	Balance
6/21/2022 5:20:49 PM	TRUL Withdrawal	(\$5.00)	TL0621		\$252.43
6/15/2022 12:01:45 PM	TRUL Withdrawal	(\$5.00)	TL0615		\$257.43
6/11/2022 3:07:17 PM	Western Union	\$100.00	33322162		\$262.43
6/3/2022 7:51:53 AM	TRUL Withdrawal	(\$2.00)	TL0603		\$162.43
6/1/2022 1:33:40 PM	Sales - Fingerprint	(\$214.20)	69		\$164.43
5/31/2022 6:21:45 PM	TRUL Withdrawal	(\$5.00)	TL0531		\$378.63
5/27/2022 2:47:12 PM	TRUL Withdrawal	(\$2.00)	TL0527		\$383.63
5/26/2022 7:03:01 PM	TRUL Withdrawal	(\$5.00)	TL0526		\$385.63
5/26/2022 3:07:00 PM	Western Union	\$150.00	33322146		\$390.63
5/24/2022 10:39:24 AM	TRUL Withdrawal	(\$5.00)	TL0524		\$240.63
5/22/2022 8:11:21 AM	TRUL Withdrawal	(\$5.00)	TL0522		\$245.63
5/17/2022 11:21:19 AM	TRUL Withdrawal	(\$5.00)	TL0517		\$250.63
5/16/2022 2:08:38 PM	Western Union	\$200.00	33322136		\$255.63
5/14/2022 11:36:32 AM	TRUL Withdrawal	(\$2.00)	TL0514		\$55.63
5/9/2022 8:09:36 PM	TRUL Withdrawal	(\$5.00)	TL0509		\$57.63
5/5/2022 9:18:47 AM	TRUL Withdrawal	(\$5.00)	TL0505		\$62.63
5/3/2022 12:17:09 PM	Sales - Fingerprint	(\$295.00)	24		\$67.63
5/2/2022 2:08:57 PM	Western Union	\$50.00	33322122		\$362.63
4/22/2022 7:32:32 PM	TRUL Withdrawal	(\$5.00)	TL0422		\$312.63
4/22/2022 9:41:34 AM	TRUL Withdrawal	(\$2.00)	TL0422		\$317.63
4/20/2022 8:23:04 PM	TRUL Withdrawal	(\$2.00)	TL0420		\$319.63
4/20/2022 3:12:20 PM	Western Union	\$100.00	33322110		\$321.63
4/19/2022 10:08:15 PM	Western Union	\$200.00	33322109		\$221.63
4/18/2022 11:20:58 AM	TRUL Withdrawal	(\$2.00)	TL0418		\$21.63
3/31/2022 7:39:27 AM	TRUL Withdrawal	(\$5.00)	TL0331		\$23.63
3/30/2022 1:25:07 PM	Sales - Fingerprint	(\$370.50)	25		\$28.63
3/25/2022 12:07:09 PM	Western Union	\$100.00	33322084		\$399.13
3/23/2022 8:07:19 PM	Western Union	\$100.00	33322082		\$299.13
3/23/2022 1:36:38 PM	TRUL Withdrawal	(\$2.00)	TL0323		\$199.13
3/20/2022 1:44:32 PM	TRUL Withdrawal	(\$2.00)	TL0320		\$201.13
3/15/2022 5:31:52 PM	TRUL Withdrawal	(\$2.00)	TL0315		\$203.13
3/15/2022 8:04:41 AM	TRUL Withdrawal	(\$2.00)	TL0315		\$205.13
3/14/2022 2:16:05 PM	TRUL Withdrawal	(\$2.00)	TL0314		\$207.13
3/14/2022 11:45:45 AM	TRUL Withdrawal	(\$2.00)	TL0314		\$209.13
3/12/2022 2:10:10 PM	TRUL Withdrawal	(\$2.00)	TL0312		\$211.13
3/12/2022 6:38:01 AM	TRUL Withdrawal	(\$2.00)	TL0312		\$213.13
3/9/2022 12:25:47 PM	Sales - Fingerprint	(\$150.70)	25		\$215.13
3/6/2022 1:31:19 PM	TRUL Withdrawal	(\$5.00)	TL0306		\$365.83
3/6/2022 7:33:32 AM	TRUL Withdrawal	(\$2.00)	TL0306		\$370.83
3/2/2022 1:07:47 PM	Western Union	\$100.00	33322061		\$372.83
2/28/2022 10:24:07 AM	TRUL Withdrawal	(\$5.00)	TL0228		\$272.83
2/27/2022 1:25:16 PM	TRUL Withdrawal	(\$5.00)	TL0227		\$277.83
2/27/2022 12:04:41 PM	TRUL Withdrawal	(\$5.00)	TL0227		\$282.83
2/26/2022 12:58:56 PM	TRUL Withdrawal	(\$5.00)	TL0226		\$287.83
2/25/2022 9:42:15 AM	TRUL Withdrawal	(\$10.00)	TL0225		\$292.83
2/24/2022 9:39:13 AM	TRUL Withdrawal	(\$5.00)	TL0224		\$302.83
2/22/2022 11:30:11 AM	TRUL Withdrawal	(\$10.00)	TL0222		\$307.83
2/18/2022 9:26:42 AM	TRUL Withdrawal	(\$10.00)	TL0218		\$317.83
2/16/2022 9:58:17 AM	TRUL Withdrawal	(\$10.00)	TL0216		\$327.83
2/9/2022 8:07:09 PM	Western Union	\$75.00	33322040		\$337.83

F Navy Firearm-Louis
NO. 13828-104
USP Hazelton
P.O. Box 2000
Bancroft, Mills W.V.
26525

NORTH TEXAS TX 750

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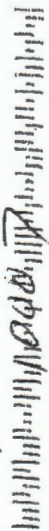
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